Remarks/Arguments:

Claims 2 and 4-8 are now pending in the present application, as claims 3 and 9-11 are canceled herein. The Office Action inadvertently lists claim 1, which was previously canceled. The undersigned takes references to claim 1 in the final Office Action as typographical errors that in fact refer to claim 2. The final Office Action is therefore seen to reject claims 2-3 and 6-11 under 35 USC 112, second paragraph, to reject claims 3 and 9-11 under 35 USC 103(a) as obvious over Lannen and Hughes, to continue the allowance of claims 4-5, and to deem claims 2 and 6-8 as reciting allowable subject matter.

The claims rejected under 35 USC 103(a) are canceled. Claim 2 is amended to address the rejection under 35 USC 112, second paragraph, by specifically reciting steps performed by the algorithm. Support for the amended matter may be found at Appendix B of ISO/IEC 7812, incorporated at page 6 lines 4-7 (and disclosed in an IDS dated November 25, 2002), as well as at page 5 lines 19-22, page 6 line 25 to page 7 line 3, and Figure 5. Claim 2 is seen to be in condition for allowance.

The rejection to claim 6 is not understood. The written description explicitly teaches both modulus ten and modulus sixteen Luhn algorithms. See for example, page 5 lines 19-24 and page 6 lines 4-9. The subject matter incorporated at page 6 lines 4-7 details a base ten operation, and the disclosure at page 6 line 25 to page 7 line 3 discloses a hexadecimal operation, with Figure 5 serving as a specific example. That such disclosure expands the breadth of claim 6 at least to both base ten and base sixteen computations is not seen as a lack of particularity in the claim, but rather clean and specific notice to the public that claim 6 is not avoided merely by changing computational modulus.

Further, claim 6 is directed to a program of machine-readable instructions. One skilled in the art could readily implement either base ten or base sixteen operations by a binary representation, which is common among software programs and the logic gates that implement them. The binary representations may be different for base ten as compared to base sixteen, but in each instance the "computing" may be done by binary representations of the digital or hexadecimal digits. This does not avoid the claim. Were it otherwise, one of ordinary skill could avoid infringing the claims of many issued patents simply by adding a
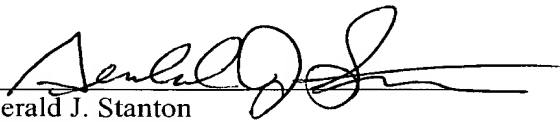
base-conversion operation before and after performing a claimed calculation. The Applicant does not choose to narrow claim 6 in such a readily avoidable manner.

The rejection under 35 USC 112, second paragraph, is valid only if the scope of the claimed subject matter cannot be determined by one of ordinary skill in the art. See MPEP 706.03(d) [comments following form paragraph 7.34.01]. This is an objective standard (MPEP 2171) that is satisfied if the claim clearly puts the public on notice as to its boundaries (MPEP 2173). The metes and bounds of claim 6 are not defined by the modulus in which calculations are performed, which is why it is not an element of the claim. It is broad enough to encompass any modulus, but breadth is not indefiniteness (MPEP 2173.04). The Applicant requests reconsideration and withdrawal of the rejection to claim 6.

Further, cancellation of claims 3 and 9-11 herein are not to be taken as agreement with the Examiner's characterization of the cited art. The Applicants reserve the right to pursue those canceled claims in a continuation or divisional application without prejudice.

The Applicant respectfully requests that the Examiner pass each of claims 2 and 4-8 to issue. The undersigned representative welcomes the opportunity to resolve any matters that may remain, formal or otherwise, via teleconference at the Examiner's discretion.

Respectfully submitted:

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_____November 9, 2005_____
Date

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

___November 9, 2005___

Date

Ann Okrentowich

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